

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION**

<b>Greg Watson,</b>	) Case No.: 9:04-21987-CWH
<b>Karen Watson</b>	) Case No.: 9:04-22468-CWH
<b>Thomas Hinely</b>	) Case No.: 9:04-21989-CWH
<b>Jacqueline Hinely</b>	) Case No.: 9:04-22469-CWH
	)
<b>Plaintiffs,</b>	)
	)
<b>vs.</b>	)
	)
<b>Fisher Controls International, LLC,</b>	)
	)
<b>Defendant.</b>	)
	)

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**ORDER**

This matter is before the Court on the defendant's renewed motion, pursuant to Rule 50(b) of the Federal Rules of Civil Procedure, for a judgment as a matter of law. The defendant filed the motion upon completion of a jury trial which ended in mistrial.

The defendant alleges that the plaintiffs fail to present sufficient evidence supporting the strict liability failure to warn claim and that the strict liability failure to warn claim is barred by the sophisticated user and assumption of risk defenses. During the trial, the defendant made similar motions after the close of the plaintiffs' case and again after the close of the defendant's case. The Court denied both motions because the plaintiffs provided sufficient evidence to present the strict liability failure to warn claim to the jury. Trial Tr. vol. IV, 450-452, June 7, 2006, and Trial Tr. vol. VI, 789, June 12, 2006. For the same reason, the Court denies the defendant's current motion.

**AND IT IS SO ORDERED.**



**C. WESTON HOUCK  
UNITED STATES DISTRICT JUDGE**

October 16, 2006  
Charleston, South Carolina